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PATENT

Customer NO. 22,852

Attorney Docket No. 2481.1641-00

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS

BOX CPA

Washington, D.C. 20231

Prior Application Art Unit: 1617

Prior Application Examiner: L. Wells

SIR: This is a request for filing a Continued Prosecution Application as a:

☒ Continuation or ☐ Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional Application No. 09/425,742 filed October 22, 1999 for Compositions for Topical Application Having Androgenic Action by the following named inventors:

Karl T. Kraemer and Manfred Bohn

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☒ Applicants hereby petition for a three month extension of time, the filing fee for which is \$810.00. Applicants filed a petition for a one month extension of time and fee of \$110.00 in this matter on August 27, 2002. Therefore, the filing fee for this three month extension of time is \$920.00 less \$110.00.
2. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
3. ☐ Enter the amendment previously filed on [Date] under 37 C.F.R. § 1.116 but unentered, in the prior application.
4. ☒ A Preliminary Amendment is enclosed.
5. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).

- a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FINNEGAN  
HENDERSON  
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GARRETT &  
DUNNER LLP

1300 I Street, NW  
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202.408.4000  
Fax 202.408.4400  
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11/04/2002 AMONDAF1 00000087 09425742

02 FC:1006 740.00 CH  
03 FC:1201 168.00 CH  
04 FC:1202 90.00 CH

11/04/2002 AMONDAF1 00000087 09425742

02 FC:1006 740.00 CH  
03 FC:1201 168.00 CH  
04 FC:1202 90.00 CH

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 3 and 4 above.

Basic Application Filing Fee					\$740	\$ 740.00
	Number of Claims		Basic	Extra Claims		
Total Claims	25	-	20	5	x \$18	90.00
Independent Claims	5	-	3	2	x \$84	168.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)					+\$280	0
Subtotal						\$ 998.00
Reduction by 1/2 if small entity						- 0
TOTAL APPLICATION FILING FEE						\$ 998.00

7. ☒ Please charge \$1,808.00 to Deposit Account No. 06-0916 for the following fees:
- a. basic filing fee of \$740.00;
  - b. additional claims fee of \$258.00; and
  - c. 3 month extension of time fee of \$810.00. Applicants filed a petition for a one month extension of time and fee of \$110.00 in this matter on August 27, 2002.
8. ☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.
9. ☐ Small entity status is appropriate and applies to this application.
10. ☒ Priority of application Serial No. 19848 856.4 filed on October 23, 1998 in Germany and application Serial No. 19900 749.7 filed on January 12, 1999 in Germany are claimed under 35 U.S.C. § 119. A certified copy of each
- ☐ is enclosed or ☒ is on file in the prior application.
11. ☒ The prior application is assigned of record to: Aventis Pharma Deutschland GmbH.

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12. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; M. Lawrence Oliverio, Reg. No. 30,915; Therese A. Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibbert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; and Thalia V. Warnement, Reg. No. 39,064.

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13. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852.**
14. ☐ Recognize as associate attorney [Name, Address & Reg. No.] \_\_\_\_\_
15. ☐ Also enclosed is \_\_\_\_\_


**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in parent Application No. 09/425,742, filed October 22, 1999, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 1, 2002

By: \_\_\_\_\_

  
Carol P. Einaudi  
Reg. No. 32,220

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation Application of:

Karl T. Kraemer and Manfred Bohn

Application No.: 09/425,742

Filed: November 1, 2002

For: COMPOSITIONS FOR TOPICAL  
APPLICATION HAVING  
ANDROGENIC ACTIONS

Group Art Unit: 1617

Examiner: L. Wells

Commissioner for Patents  
Washington, DC 20231

Sir:

PRELIMINARY AMENDMENT

Prior to the examination of the above application, please amend this application  
as follows:

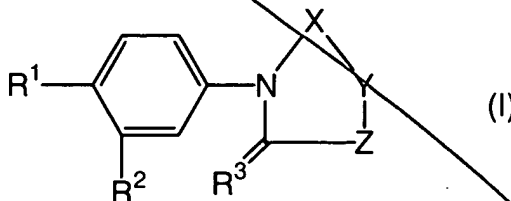
IN THE CLAIMS:

Please cancel claims 24 - 27.

Please amend the following claims:

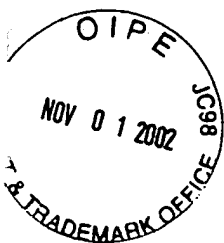
1. (Amended) A composition comprising:

- a) at least one physiologically tolerated film-forming agent;
- b) at least one physiologically tolerated solvent;
- c) at least one plasticizer; and
- d) a compound of the formula I



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